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S. 2

To require authorizations of new budget authority for Government programs at least every ten years, to provide for review of Government programs every ten years, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 1979

Mr. MUSKIE (for himself, Mr. ROTH, Mr. GLENN, Mr. ROBERT C. BYRD, Mr. CRANSTON, Mr. BIDEN, Mr. PERCY, Mr. PELL, Mr. HATFIELD, Mr. BAUCUS, Mr. BELLMON, Mr. BAYH, Mr. BENTSEN, Mr. BOSCHWITZ, Mr. BURDICK, Mr. HARRY F. BYRD, JR., Mr. CANNON, Mr. CHAFEE, Mr. CHILES, Mr. CHURCH, Mr. COHEN, Mr. CULVER, Mr. DANFORTH, Mr. DECONCINI, Mr. DOMENICI, Mr. DUBENBERGER, Mr. DURKIN, Mr. EAGLETON, Mr. EXON, Mr. FORD, Mr. GARN, Mr. HART, Mr. HATCH, Mr. HAYAKAWA, Mr. HEINZ, Mr. HELMS, Mr. HUDDLESTON, Mr. HUMPHREY, Mr. INOUE, Mr. KENNEDY, Mr. JAVITS, Mr. LAXALT, Mr. LEAHY, Mr. MCCLURE, Mr. MCGOVERN, Mr. MATHIAS, Mr. MATSUNAGA, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. MORGAN, Mr. NUNN, Mr. PACKWOOD, Mr. PRESSLER, Mr. PRYOR, Mr. SIMPSON, Mr. STAFFORD, Mr. STEVENS, Mr. STEWART, Mr. STONE, Mr. THURMOND, Mr. TOWER, Mr. WILLIAMS, and Mr. ZORINSKY) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To require authorizations of new budget authority for Government programs at least every ten years, to provide for review of Government programs every ten years, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Sunset Act of 1979".

4 SEC. 2. The purposes of this Act are—

5 (1) to require that most Government programs be
6 reauthorized according to a schedule at least once
7 every ten years;

8 (2) to limit the length of time for which Govern-
9 ment programs can be authorized to ten years;

10 (3) to bar the expenditure of funds for Govern-
11 ment programs which have not been provided for by a
12 law enacted during the ten-year sunset reauthorization
13 cycle; and

14 (4) to encourage the reexamination of selected
15 Government programs each Congress.

16 SEC. 3. (a) for purposes of this Act:

17 (1) The term "budget authority" has the meaning
18 given to it by section 3(2) of the Congressional Budget
19 Act of 1974.

20 (2) The term "permanent budget authority"
21 means budget authority provided for an indefinite
22 period of time or an unspecified number of fiscal years
23 which does not require recurring action by the Con-
24 gress, but does not include budget authority provided
25 for a specified fiscal year which is available for obliga-

1 tion or expenditure in one or more succeeding fiscal
2 years.

3 (3) The term "Comptroller General" means the
4 Comptroller General of the United States.

5 (4) The term "agency" means an executive
6 agency as defined in section 105 of title 5, United
7 States Code, except that such term includes the United
8 States Postal Service and the Postal Rate Commission
9 but does not include the General Accounting Office.

10 (5) The term "sunset reauthorization cycle"
11 means the period of five Congresses beginning with the
12 Ninety-seventh Congress and with each sixth Congress
13 following the Ninety-seventh Congress.

14 (b) For purposes of the Act, each program (including
15 any program exempted by provision of law from inclusion in
16 the Budget of the United States) shall be assigned to the
17 functional and subfunctional categories to which it is assigned
18 in the Budget of the United States Government, fiscal year
19 1979. Each committee of the Senate or the House of Repre-
20 sentatives which reports any bill or resolution which author-
21 izes the enactment of new budget authority for a program not
22 included in the fiscal year 1979 budget shall include, in the
23 committee report accompanying such bill or resolution (and,
24 where appropriate, the conferees shall include in their joint
25 statement on such bill or resolution), a statement as to the

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1 functional and subfunctional category to which such program
2 is to be assigned.

3 (c) For purposes of titles I, II, III, and VII of this Act,
4 the reauthorization date applicable to a program is the date
5 specified for such program under section 101(b).

6 TITLE I—REAUTHORIZATIONS OF GOVERNMENT 7 PROGRAMS

8 SEC. 101. (a) Each Government program (except those
9 listed in section 103) shall be reauthorized at least once
10 during each sunset reauthorization cycle during the Congress
11 in which the reauthorization date applicable to such program
12 (pursuant to subsection (b)) occurs.

13 (b) The first reauthorization date applicable to a Gov-
14 ernment program is the date specified in the following table,
15 and each subsequent reauthorization date applicable to a pro-
16 gram is the date ten years following the preceding reau-
17 thorization date:

Programs included within subfunctional category	First reauthorization date
254 Space, Science, Applications and Technology.	
272 Energy Conservation.	
301 Water Resources.	
352 Agriculture and Research Services.	
371 Mortgage Credit and Thrift Insurance.	
376 Other Advancement and Regulation of Commerce.	
501 Elementary, Secondary, and Vocational Education.	
601 General Retirement and Disability Insurance.	
602 Federal Employment Retirement and Disability.	
703 Hospital and Medical Care for Veterans.	
806 Other General Government.	
851 General Revenue Sharing	September 30, 1982.
051 Department of Defense—Military:	
053 Atomic Energy Defense Activities.	
154 Foreign Information and Exchange Act.	
251 General Science and Basic Research.	

Programs included within subfunctional category	First reauthorization date
306 Other Natural Resources.	
351 Farm Income Stabilization.	
401 Ground Transportation.	
502 Higher Education.	
553 Education and Training of Health Care Work Force.	
701 Income Security for Veterans.	
752 Federal Litigative and Judicial Activities.	
802 Executive Director and Management.	
803 Central Fiscal Operations	September 30, 1984.
054 Defense Related Activities.	
152 Military Assistance.	
155 International Financial Programs.	
253 Space Flight.	
255 Supporting Space Activities.	
274 Emergency Energy Preparedness.	
302 Conservation and Land Management.	
304 Pollution Control and Abatement.	
407 Other Transportation.	
504 Training and Employment.	
506 Social Services.	
554 Consumer and Occupational Health and Safety.	
704 Veterans Housing.	
751 Federal Law Enforcement Activities.	
801 Legislative Function.	
852 Other General Purpose Fiscal Assistance	September 30, 1986.
153 Conduct of Foreign Affairs.	
271 Energy Supply.	
303 Recreational Resources.	
402 Air Transportation.	
505 Other Labor Services.	
551 Health Care Services.	
604 Public Assistance and Other Income Supplements.	
702 Veterans Education, Training, and Rehabilitation.	
753 Federal Correctional Activities.	
805 Central Personnel Management.	
902 Other Interest	September 30, 1988.
151 Foreign Economic and Financial Assistance.	
276 Energy Information, Policy and Regulation.	
372 Postal Service.	
403 Water Transportation.	
451 Community Development.	
452 Area and Regional Development.	
453 Disaster Relief and Insurance.	
503 Research and General Education Aids.	
552 Health Research.	
603 Unemployment Compensation.	
705 Other Veterans Benefits and Services.	
754 Criminal Justice Assistance.	
804 General Property and Record Management.	
901 Interest on the Public Debt	September 30, 1990.

1 (c)(1) It shall not be in order in either the Senate or the
2 House of Representatives to consider any bill or resolution,
3 or amendment thereto, which authorizes the enactment of
4 new budget authority for a program for a period of more than
5 ten fiscal years, for an indefinite period, or (except during the
6 Congress in which such next reauthorization date occurs) for
7 any fiscal year beginning after the next reauthorization date
8 applicable to such program. Notwithstanding the preceding
9 sentence, it shall be in order to consider a bill or resolution
10 for the purpose of considering an amendment to the bill or
11 resolution which would make the authorization period con-
12 form to the requirement of such sentence.

13 (2)(A) It shall not be in order in either the Senate or the
14 House of Representatives to consider any bill or resolution,
15 or amendment thereto, which provides new budget authority
16 for a program for any fiscal year beginning after the first (or
17 any subsequent) reauthorization date applicable to such pro-
18 gram under paragraph (b), unless the provision of such new
19 budget authority is specifically authorized by a law which
20 constitutes a required authorization for such program.

21 (B) For the purposes of this subsection the term "re-
22 quired authorization" means a law authorizing the enactment
23 of new budget authority for a program, which complies with

1 the provisions of paragraph (1) and is enacted during the
2 Congress in which the reauthorization date for such program
3 occurs, or during a Congress after such date and prior to the
4 Congress in which the next reauthorization date for such pro-
5 gram occurs.

6 (3) No new budget authority may be obligated or ex-
7 pended for a program for a fiscal year beginning after the last
8 fiscal year in a sunset reauthorization cycle unless a provi-
9 sion of law providing for the continuation of such program
10 has been enacted during such sunset reauthorization cycle.

11 (4) Any provision of law providing permanent budget
12 authority for a program shall cease to be effective (for the
13 purpose of providing such budget authority) on the first
14 reauthorization date applicable to such program.

15 (5) It shall not be in order in either the Senate or the
16 House of Representatives to consider any bill or resolution,
17 or amendment thereto, which provides new budget authority
18 for a program unless the bill or resolution, or amendment
19 thereto (or the report which accompanies such bill or resolu-
20 tion), includes a specific reference to the provision of law
21 which constitutes a required authorization for such program.
22 Notwithstanding the preceding sentence, it shall be in order
23 to consider a bill or resolution for the purpose of considering
24 an amendment which provides such reference to the appro-
25 priate provision of law.

1 SEC. 102. (a) It shall not be in order in either the
2 Senate or the House of Representatives to consider any bill
3 or resolution, or amendment thereto, which has been
4 reported by a committee and which authorizes the enactment
5 of new budget authority for a program for a fiscal year begin-
6 ning after the next reauthorization date applicable to such
7 program, unless a reauthorization review (to the extent the
8 committee or committees having jurisdiction deem appropri-
9 ate) of such program has been completed during the Congress
10 in which the reauthorization date for such program occurs (or
11 during a subsequent Congress when such required authoriza-
12 tion is considered), and the report accompanying such bill or
13 resolution includes a separate section entitled "Reauthoriza-
14 tion Review" recommending, based on such review, whether
15 the program or the laws affecting such program should be
16 continued without change, continued with modifications, or
17 terminated, and also includes, to the extent the committee or
18 committees having jurisdiction deem appropriate, each of the
19 following matters:

20 (1) Information and analysis on the organization,
21 operation, costs, results, accomplishments, and effec-
22 tiveness of the program.

23 (2) An identification of any other programs having
24 similar objectives, and a justification of the need for

25 the proposed program in comparison with those other
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1 programs which may be potentially conflicting or
2 duplicative.

3 (3) An identification of the objectives intended for
4 the program, and the problems or needs which the pro-
5 gram is intended to address, including an analysis of
6 the performance expected to be achieved, based on the
7 bill or resolution as reported.

8 (4) A comparison of the amount of new budget
9 authority which was authorized for the program in
10 each of the previous four fiscal years and the amount
11 of new budget authority provided in each such year.

12 (b) It shall not be in order in either the Senate or the
13 House of Representatives to consider a bill or resolution, or
14 amendment thereto, which authorizes the enactment of new
15 budget authority for a program for which there previously
16 has been no such authorization unless the report accompany-
17 ing such bill or resolution sets forth, to the extent that the
18 committee or committees having jurisdiction deem appropri-
19 ate, the information specified in subsection (a) (2) and (3).

20 (c) Each committee having legislative jurisdiction over a
21 program included in section 103 shall conduct a review of
22 such program of the type described in subsection (a) at least
23 once during each sunset reauthorization cycle, during the
24 Congress in which the reauthorization date applicable to such
25 program occurs, and shall submit to the Senate or the House

1 of Representatives, as the case may be, a report containing
2 its recommendations and other information of the type de-
3 scribed in subsection (a) to the extent that the committee
4 deems appropriate. It shall not be in order to consider a bill
5 or resolution reported by the committee having legislative
6 jurisdiction which authorizes the enactment of new budget
7 authority for such program unless such report accompanies
8 such bill or resolution, or has been submitted during the Con-
9 gress in which the reauthorization date for such program oc-
10 curred as provided in section 101(b), whichever first occurs.

11 SEC. 103. (a) Section 101(c) shall not apply to the
12 following:

13 (1) Programs included within functional category
14 900 (Interest).

15 (2) Any Federal programs or activities to enforce
16 civil rights guaranteed by the Constitution of the
17 United States or to enforce antidiscrimination laws of
18 the United States, including but not limited to the in-
19 vestigation of violations of civil rights, civil or criminal
20 litigation or the implementation or enforcement of
21 judgments resulting from such litigation, and adminis-
22 trative activities in support of the foregoing.

23 (3) Programs which are related to the administra-
24 tion of the Federal judiciary and which are classified in

1 the fiscal year 1979 budget under subfunctional cate-
2 gory 752 (Federal litigative and judicial activities).

3 (4) Payments of refunds of internal revenue col-
4 lections as provided in title I of the Supplemental
5 Treasury and Post Office Departments Appropriation
6 Act of 1949 (62 Stat. 561), but not to include refunds
7 to persons in excess of their tax payments.

8 (5) Programs included in the fiscal year 1979
9 budget in subfunctional categories 701 (Income secu-
10 rity for veterans), 702 (Veterans education, training,
11 and rehabilitation), 704 (Veterans housing), and pro-
12 grams for providing health care which are included in
13 such budget in subfunctional category 703 (Hospital
14 and medical care for veterans).

15 (6) Social Security and Federal employee retire-
16 ment programs including the following:

17 (A) Programs funded through trust funds
18 which are included with subfunctional categories
19 551 (Health care services), 601 (General retire-
20 ment and disability insurance), or 602 (Federal
21 employee retirement and disability).

22 (B) Retirement pay and retired pay of mili-
23 tary personnel on the retired lists of the Army,
24 Navy, Marine Corps, and the Air Force, including

25 the Reserve components thereof, retainer pay for
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1 personnel of the Inactive Fleet Reserve; and pay-
2 ments under section 4 of Public Law 92-425 and
3 chapter 73 of title 10, United States Code (survi-
4 vor's benefits), classified in the fiscal year 1979
5 budget in subfunctional category 051 (Department
6 of Defense-military).

7 (C) Retirement pay and medical benefits for
8 retired commissioned officers of the Coast Guard,
9 the Public Health Service Commissioned Corps,
10 and the National Oceanic and Atmospheric Com-
11 missioned Corps and their survivors and depend-
12 ents, classified in the fiscal year 1979 budget in
13 subfunctional category 551 (health care services)
14 or in subfunctional category 306 (other natural
15 resources).

16 (D) Retired pay of military personnel of the
17 Coast Guard and Coast Guard Reserve, members
18 of the former Lighthouse Service, and for annu-
19 ities payable to beneficiaries of retired military
20 personnel under the retired serviceman's family
21 protection plan (10 U.S.C. 1431-1446) and survi-
22 vor benefit plan (10 U.S.C. 1447-1455), classified
23 in the fiscal year 1979 budget in subfunctional
24 category 403 (Water transportation).

1 (E) Payments to the Central Intelligence
2 Agency Retirement and Disability Fund, classified
3 in the fiscal year 1979 budget in subfunctional
4 category 054 (Defense-related activities).

5 (F) Payments to the Civil Service Retire-
6 ment and Disability Fund for financing unfunded
7 liabilities, classified in the fiscal year 1979 budget
8 in subfunctional category 805 (Central personnel
9 management).

10 (G) Payments to the Foreign Service Retire-
11 ment and Disability Fund, classified in the fiscal
12 year 1979 budget in subfunctional category 153
13 (Conduct of foreign affairs).

14 (H) Payments to the Federal Old-Age and
15 Survivors Insurance and the Federal Disability
16 Insurance Trust Funds, classified in the fiscal
17 year 1979 budget in various subfunctional
18 categories.

19 (I) Administration of the retirement and dis-
20 ability programs set forth in this section.

21 (b) If a question is raised in the Senate with respect to
22 the application of any paragraph of subsection (a) to any bill,
23 resolution, or amendment, or to any provision of law, the
24 Presiding Officer shall submit the question to the Senate for
25 decision.

1 SEC. 104. (a) It is the sense of the Congress that all
2 programs should be considered and reauthorized in program
3 categories which constitute major areas of legislative policy.
4 Such authorizations should be for sufficient periods of time to
5 enhance oversight and the review and evaluation of Govern-
6 ment programs.

7 (b) The reauthorization schedule contained in section
8 101(b) may be changed by concurrent resolution of the two
9 Houses of the Congress (except that changes in the schedule
10 affecting permanent appropriations may be made only by
11 law.

12 (c) All messages, petitions, memorials, concurrent reso-
13 lutions, and bills proposing changes in section 101(b) and all
14 bills proposing changes in section 103(a), shall be referred
15 first to the committee with legislative jurisdiction over any
16 program affected by the proposal and sequentially to the
17 Committee on Rules in the House of Representatives or to
18 the Committee on Rules and Administration in the Senate as
19 provided for in subsection (d).

20 (d) Except as provided in subsection (f), the Committee
21 on Rules in the House of Representatives or the Committee
22 on Rules and Administration in the Senate shall report any
23 concurrent resolution or bill referred to it under the provi-
24 sions of subsection (c) and which previously has been
25 reported favorably by a committee of legislative jurisdiction

1 within thirty days (not counting any day on which the Senate
2 or the House of Representatives is not in session), beginning
3 with the day following the day on which such resolution or
4 bill is so referred, with its recommendations.

5 (e) The recommendations of the Committee on Rules or
6 the Committee on Rules and Administration pursuant to sub-
7 section (d) or (f) shall include a statement on each of the
8 following matters:

9 (1) The effect the proposed change would have on
10 the sunset reauthorization schedule.

11 (2) The effect the proposed change would have on
12 the jurisdictional and reauthorization responsibilities
13 and workloads of the authorizing committees of
14 Congress.

15 (3) Any suggested grouping of similar programs
16 which would further the goals of this Act to make
17 more effective comparisons between programs having
18 like objective.

19 (f) Any concurrent resolution or bill proposing a change
20 in section 101(b) or 103(a) which has been reported by a
21 committee before July 1, 1980, shall be referred in the
22 House to the Committee on Rules and in the Senate to the
23 Committee on Rules and Administration. Such committee
24 shall report an omnibus concurrent resolution or bill contain-

25 ing its recommendations regarding the proposed changes by
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1 August 1, 1980, and consideration of such bill or resolution
2 shall be highly privileged in the House of Representatives
3 and privileged in the Senate. The provisions of subsections (c)
4 and (d) of section 1017 of the Impoundment Control Act of
5 1974, insofar as they relate to consideration of rescission
6 bills, shall apply to the consideration of concurrent resolu-
7 tions and bills proposing changes reported pursuant to this
8 subsection, amendments thereto, motions and appeals with
9 respect thereto, and conference reports thereon.

10 (g) It shall not be in order in the Senate or the House of
11 Representatives to consider a bill or resolution reported pur-
12 suant to subsection (b), (c), (d), or (f) which proposes a
13 reauthorization date for a program beyond the final reauthor-
14 ization date of the sunset reauthorization cycle then in prog-
15 ress. Notwithstanding, the preceding sentence, it shall be in
16 order to consider a bill or resolution for the purpose of con-
17 sidering an amendment which meets the requirements of this
18 subsection.

19 TITLE II—PROGRAM INVENTORY

20 SEC. 201. (a) The Comptroller General and the Director
21 of the Congressional Budget Office, in cooperation with the
22 Director of the Congressional Research Service, shall pre-
23 pare an inventory of Federal programs (hereafter in this title
24 referred to as the "program inventory").

1 (b) The purpose of the program inventory is to advise
2 and assist the Congress in carrying out the requirements of
3 titles I and III. Such inventory shall not in any way bind the
4 committees of the Senate or the House of Representatives
5 with respect to their responsibilities under such titles and
6 shall not infringe on the legislative and oversight responsibil-
7 ities of such committees. The Comptroller General shall com-
8 pile and maintain the inventory, and the Director of the Con-
9 gressional Budget Office shall provide budgetary information
10 for inclusion in the inventory.

11 (c) Not later than January 1, 1980, the Comptroller
12 General, after consultation with the Director of the Congres-
13 sional Budget Office and the Director of the Congressional
14 Research Service, shall submit the program inventory to the
15 Senate and House of Representatives.

16 (d) In the report submitted under this section, the
17 Comptroller General, after consultation and in cooperation
18 with and consideration of the views and recommendations of
19 the Director of the Congressional Budget Office, shall group
20 programs into program areas appropriate for the exercise of
21 the review and reexamination requirements of this Act. Such
22 groupings shall identify program areas in a manner which
23 classifies each program in only one functional and only one
24 subfunctional category and which is consistent with the
25 structure of national needs, agency missions, and basic pro-

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1 grams developed pursuant to section 201(i) of the Budget and
2 Accounting Act, 1921.

3 (e) The program inventory shall set forth for each pro-
4 gram each of the following matters:

5 (1) The specific provision(s) of law authorizing the
6 program.

7 (2) The committees of the Senate and the House
8 of Representatives which have legislative or oversight
9 jurisdiction over the program.

10 (3) A brief statement of the purpose or purposes
11 to be achieved by the program.

12 (4) The committees which have jurisdiction over
13 legislation providing new budget authority for the pro-
14 gram, including the appropriate subcommittees of the
15 Committees on Appropriations of the Senate and the
16 House of Representatives.

17 (5) The agency and, if applicable, the subdivision
18 thereof responsible for administering the program.

19 (6) The grants-in-aid, if any, provided by such
20 program to State and local governments.

21 (7) The next reauthorization date for the program.

22 (8) A unique identification number which links the
23 program and functional category structure.

1 (9) The year in which the program was originally
2 established and, where applicable, the year in which
3 the program expires.

4 (10) Where applicable, the year in which new
5 budget authority for the program was last authorized
6 and the year in which current authorizations of new
7 budget authority expire.

8 (f) The inventory shall contain a separate tabular listing
9 of programs which are not required to be reauthorized pursu-
10 ant to section 101(c).

11 (g) The report also shall set forth for each program
12 whether the new budget authority provided for such pro-
13 grams is—

14 (1) authorized for a definite period of time;

15 (2) authorized in a specific dollar amount but
16 without limit of time;

17 (3) authorized without limit of time or dollar
18 amounts;

19 (4) not specifically authorized; or

20 (5) permanently provided,

21 as determined by the Director of the Congressional Budget
22 Office.

23 (h) For each program or group of programs, the pro-
24 grams inventory also shall include information prepared by

1 the Director of the Congressional Budget Office indicating
2 each of the following matters:

3 (1) The amounts of new budget authority author-
4 ized and provided for the program for each of the pre-
5 ceding four fiscal years and, where applicable, the four
6 succeeding fiscal years.

7 (2) The functional and subfunctional category in
8 which the program is presently classified and was
9 classified under the fiscal year 1979 budget.

10 (3) The identification code and title of the appro-
11 priation account in which budget authority is provided
12 for the program.

13 SEC. 202. The General Accounting Office, the Congres-
14 sional Research Service, and the Congressional Budget
15 Office shall permit the mutual exchange of available informa-
16 tion in their possession which would aid in the compilation of
17 the program inventory.

18 SEC. 203. The Office of Management and Budget, and
19 the Executive agencies and the subdivisions thereof shall, to
20 the extent necessary and possible, provide the General Ac-
21 counting Office with assistance requested by the Comptroller
22 General in the compilation of the program inventory.

23 SEC. 204. Each committee of the Senate and the House
24 of Representatives, the Congressional Budget Office, and the

25 Congressional Research Service shall review the program in-

1 ventory as submitted under section 201 and not later than
2 March 1, 1980, each shall advise the Comptroller General of
3 any revisions in the composition or identification of programs
4 and groups of programs which it recommends. After full con-
5 sideration of the reports of all such committees and officials,
6 the Comptroller General in consultation with the committees
7 of the Senate and the House of Representatives shall report,
8 not later than May 1, 1980, a revised program inventory to
9 the Senate and the House of Representatives.

10 SEC. 205. (a) The Comptroller General, after the close
11 of each session of the Congress, shall revise the program
12 inventory and report the revisions to the Senate and the
13 House of Representatives.

14 (b) After the close of each session of the Congress, the
15 Director of the Congressional Budget Office shall prepare a
16 report, for inclusion in the revised inventory, with respect to
17 each program included in the program inventory and each
18 program established by law during such session, which in-
19 cludes the amount of the new budget authority authorized
20 and the amount of new budget authority provided for the
21 current fiscal year and each of the five succeeding fiscal
22 years. If new budget authority is not authorized or provided
23 or is authorized or provided for an indefinite amount for any
24 of such five succeeding fiscal years with respect to any pro-
25 gram, the Director shall make projections of the amounts of

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1 such new budget authority necessary to be authorized or pro-
2 vided for any such fiscal year to maintain a current level of
3 services.

4 (c) Not later than one year after the first or any subse-
5 quent reauthorization date, the Director of the Congressional
6 Budget Office, in consultation with the Comptroller General
7 and the Director of the Congressional Research Service,
8 shall compile a list of the provisions of law related to all
9 programs subject to such reauthorization date for which new
10 budget authority was not authorized. The Director of the
11 Congressional Budget Office shall include such a list in the
12 report required by subsection (b). The committees with legis-
13 lative jurisdiction over the affected programs shall study the
14 affected provisions and make any recommendations they
15 deem to be appropriate with regard to such provisions to the
16 Senate and the House of Representatives.

17 SEC. 206. The Comptroller General and the Director of
18 the Congressional Budget Office shall include in their respec-
19 tive reports to the Congress pursuant to sections 202(f) and
20 702(e) of the Congressional Budget Act of 1974 an assess-
21 ment of the adequacy of the functional and subfunctional cat-
22 egories contained in section 101(b) for grouping programs of
23 like missions or objectives.

24 SEC. 207. (a) The Director of the Congressional Budget
25 Office shall tabulate and issue an annual report on the prog-

1 ress of congressional action on bills and resolutions reported
2 by a committee of either House or passed by either House
3 which authorize the enactment of new budget authority for
4 programs.

5 (b) The report shall include an up-to-date tabulation for
6 the fiscal year beginning October 1 and the succeeding four
7 fiscal years of the amounts of budget authority (1) authorized
8 by law or proposed to be authorized in any bill or resolution
9 reported by any committee of the Senate or the House of
10 Representatives, or (2) if budget authority is not authorized
11 or proposed to be authorized for any of the five fiscal years,
12 the amounts necessary to maintain a current level of services
13 for programs in the inventory.

14 (c) The Director of the Congressional Budget Office
15 shall issue periodic reports on the programs and the provi-
16 sions of laws which are scheduled for reauthorization in each
17 Congress pursuant to the reauthorization schedule in section
18 101(b). In these reports, the Director shall identify each pro-
19 vision of law which authorizes the enactment of new budget
20 authority for programs scheduled for reauthorization and the
21 title of the appropriation bill, or part thereof, which would
22 provide new budget authority pursuant to each authorization.

23 **TITLE III—PROGRAM REEXAMINATION**

24 SEC. 301. (a) Each committee of the Senate and the

25 House of Representatives periodically shall provide through

1 the procedures established in section 302, for the conduct of
2 a comprehensive reexamination of selected programs or
3 groups of programs over which it has jurisdiction.

4 (b) In selecting programs and groups of programs for
5 reexamination, each committee shall consider each of the fol-
6 lowing matters:

7 (1) The extent to which substantial time has
8 passed since the program or group of programs has
9 been in effect.

10 (2) The extent to which a program or group of
11 programs appears to require significant change.

12 (3) The resources of the committee with a view
13 toward undertaking reexaminations across a broad
14 range of programs.

15 (4) The desirability of examining related programs
16 concurrently.

17 SEC. 302. (a)(1) the funding resolution first reported by
18 each committee of the Senate in 1981, and thereafter for the
19 first session of each Congress, shall include a section setting
20 forth the committee's plan for reexamination of programs
21 under this title. Such plan shall include each of the following
22 matters:

23 (A) The programs to be reexamined and the rea-
24 sons for their selection.

1 (B) The scheduled completion date for each pro-
2 gram reexamination: *Provided*, That such date shall
3 not be later than the end of the Congress preceding
4 the Congress in which the reauthorization date applica-
5 ble to a program occurs as provided in section 101(b),
6 unless the committee explains in a statement in the
7 report accompanying its proposed funding resolution
8 the reasons for a later completion date, except that re-
9 ports on programs scheduled for reauthorization during
10 the 97th Congress and selected for reexamination in a
11 committee's plan adopted in 1981 may be submitted at
12 any time until February 15, 1982.

13 (C) The estimated cost for each reexamination.

14 (2) The report accompanying the funding resolution re-
15 ported by each committee in 1981 and thereafter for the first
16 session of each Congress, shall with respect to each
17 reexamination include in its plan both the following matters:

18 (A) A description of the components of the
19 reexamination.

20 (B) A statement of whether the reexamination is
21 to be conducted (i) by the committee, or (ii) at the re-
22 quest and under the direction of or under contract
23 with, the committee, as the case may be, by one or
24 more instrumentalities of the legislative branch, one or
25 more instrumentalities of the executive branch, or one

1 or more nongovernmental organizations, or (iii) by a
2 combination of the foregoing.

3 (3) It shall not be in order to consider a funding resolu-
4 tion reported by a committee of the Senate in 1981, and
5 thereafter for the first session of a Congress unless—

6 (A) such resolution includes a section containing
7 the information described in paragraph (1) and the
8 report accompanying such resolution contains the infor-
9 mation described in paragraph (2); and

10 (B) the report required by subsection (c) with re-
11 spect to each program reexamination scheduled for
12 completion during the preceding Congress by such
13 committee has been submitted for printing.

14 (4) It shall not be in order to consider an amendment to
15 the section of a funding resolution described in paragraph (1)
16 reported by a committee for a year—

17 (A) if such amendment would require reexamina-
18 tion of a program which has been reexamined by such
19 committee under this section during any of the five
20 preceding years;

21 (B) if such amendment would cause such section
22 not to contain the information described in paragraph
23 (1) with respect to each program to be reexamined by
24 such committee; or

1 (C) if notice in writing of intention to propose
2 such amendment has not been given to such committee
3 and the Committee on Rules and Administration in the
4 Senate not later than January 20 of the calendar year
5 in which such year begins or the first day of the ses-
6 sion of the Congress in which such year begins, which-
7 ever is later. The notice required by this subparagraph
8 shall include the substance of the amendment intended
9 to be proposed and, if such amendment would add one
10 or more programs to be reexamined, shall include the
11 information described in paragraphs (1) and (2) with re-
12 spect to each such program. This subparagraph shall
13 not apply to amendments proposed by such committee
14 or by the Committee on Rules and Administration, as
15 the case may be.

16 (b) In order to achieve coordination of program reexam-
17 ination each committee shall, in preparing each reexamina-
18 tion plan required by subsection (a), consult with appropriate
19 committees of the Senate or appropriate committees of the
20 House of Representatives, as the case may be, and shall
21 inform itself of related activities of and support or assistance
22 that may be provided by (1) the General Accounting Office,
23 the Congressional Budget Office, the Congressional Research
24 Service, and the Office of Technology Assessment, and (2)

1 appropriate instrumentalities in the executive and judicial
2 branches.

3 (c) Each committee shall prepare and have printed a
4 report with respect to each reexamination completed under
5 this title. Each such report shall be delivered to the Secre-
6 tary of the Senate not later than the date specified in the
7 resolution and printed as a Senate document. To the extent
8 permitted by law or regulation, such number of additional
9 copies as the committee may order shall be printed for the
10 use of the committee. If two or more committees have legis-
11 lative jurisdiction over the same program or portions of the
12 same program, such committees may reexamine such pro-
13 gram jointly and submit a joint report with respect to such
14 reexamination.

15 (d) The report pursuant to subsection (c) shall set forth
16 the findings, recommendations, and justifications with respect
17 to the program, and shall include to the extent the committee
18 deems appropriate, each of the following matters:

19 (1) An identification of the objectives intended for
20 the program and the problem it was intended to
21 address.

22 (2) An identification of any trends, developments,
23 and emerging conditions which are likely to affect the
24 future nature and extent of the problems or needs

25 which the program is intended to address and an as-
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1 sessment of the potential primary and secondary effects
2 of the proposed program.

3 (3) An identification of any other program having
4 potentially conflicting or duplicative objectives.

5 (4) A statement of the number and types of bene-
6 ficiaries or persons served by the program.

7 (5) An assessment of the effectiveness of the pro-
8 gram and the degrees to which the original objectives
9 of the program or group of programs have been
10 achieved.

11 (6) An assessment of the cost effectiveness of the
12 program, including where appropriate, a cost-benefit
13 analysis of the operation of the program.

14 (7) An assessment of the relative merits of alter-
15 native methods which could be considered to achieve
16 the purposes of the program.

17 (8) Information on the regulatory, privacy, and
18 paperwork impacts of the program.

19 (e) A report submitted pursuant to this section shall be
20 deemed to satisfy the reauthorization review requirements of
21 title I.

22 SEC. 303. (a) Each department or agency of the execu-
23 tive branch which is responsible for the administration of a
24 program selected for reexamination pursuant to this title,
25 shall, not later than six months before the completion date
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1 specified for reexamination reports pursuant to section
2 302(a)(1)(B), submit to the Office of Management and Budget
3 and to the appropriate committee(s) of the Senate and the
4 House of Representatives a report of its findings, recommen-
5 dations, and justifications with respect to each of the matters
6 set forth in section 302(d), and the Office of Management and
7 Budget shall submit to such committee(s) such comments as
8 it deems appropriate.

9 (b) With respect to programs selected for review pursu-
10 ant to a plan adopted by a committee in 1981, the respective
11 committees and department or agency may provide for a
12 more appropriate time for submission of the report required
13 by this section.

14 SEC. 304. For the purposes of this title:

15 (1) The term "funding resolution" means, with re-
16 spect to each committee of the Senate, the first author-
17 ization resolution reported by such committee for a
18 year under section 133(g) of the Legislative Reorgani-
19 zation Act of 1946, or any action taken in lieu of such
20 funding resolution, which in any event shall occur not
21 later than May 15.

22 (2) An amendment to a funding resolution in-
23 cludes a resolution of the Senate which amends such
24 funding resolution.

1 TITLE IV—CITIZENS' COMMISSION ON THE OR-
2 GANIZATION AND OPERATION OF GOVERN-
3 MENT

4 SEC. 401. There is authorized to be established, as an
5 independent instrumentality of the United States, the Citi-
6 zens' Commission on the Organization and Operation of Gov-
7 ernment (hereinafter in this title referred to as the "Commis-
8 sion").

9 SEC. 402. It is hereby declared to be the policy of the
10 Congress to promote economy, efficiency, and improved serv-
11 ice in the transaction of the public business in the depart-
12 ments, agencies, independent instrumentalities, and other au-
13 thorities of the executive branch of the Government.

14 SEC. 403. (a) The Commission shall conduct a nonparti-
15 san study and investigation of the organization and methods
16 of operation of all departments, agencies, independent instru-
17 mentalities, and authorities of the executive branch of the
18 Government in the following major policy areas:

19 (1) International affairs and defense.

20 Functions:

21 050—National defense.

22 150—International affairs.

23 (2) Resources and technology.

24 Functions:

1 250—General science, space, and technol-
2 ogy.

3 270—Energy.

4 300—Natural resources and environment.

5 (3) Economic development.

6 Functions:

7 350—Agriculture.

8 370—Commerce and housing credit.

9 400—Transportation.

10 450—Community and regional development.

11 (4) Human resources.

12 Functions:

13 500—Education, training, employment, and
14 social services.

15 550—Health.

16 600—Income security.

17 700—Veterans benefits and services.

18 (5) General Government.

19 Functions:

20 750—Administration of justice.

21 800—General Government.

22 850—General purpose fiscal assistance.

23 900—Interest.

24 The Commission shall make such recommendation as it

1 (1) increase the effectiveness of Government serv-
2 ices, programs, and activities by changing the structure
3 and execution of administrative responsibilities;

4 (2) improve delivery of services through elimina-
5 tion of needless duplication or overlap, consolidation of
6 similar services, programs, activities, and functions,
7 and termination of such services, programs, and activi-
8 ties which have outlived their intended purpose;

9 (3) maintain expenditures at levels consistent with
10 the efficient performance of essential services, pro-
11 grams, activities, and functions;

12 (4) simplify and eliminate overlaps in agency reg-
13 ulatory functions by review of the laws, regulations,
14 and administrative reports and procedures; and

15 (5) determine the appropriate responsibilities of
16 each level of government, the manner and alternative
17 means for each level of government to finance such re-
18 sponsibilities, the forms and extent of intergovernmen-
19 tal aid and assistance, and the organization required
20 for proper balance and division of respective Federal,
21 State, and local government roles, responsibilities, and
22 authorities.

23 (b) The Commission shall submit to the President, the
24 Committee on Governmental Affairs of the Senate, and the

25 Committee on Government Operations of the House of Rep-
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1 representatives such interim reports as it deems advisable, and,
2 not later than four years after the appointment and qualifica-
3 tion of a majority of the Commission members, a final report
4 setting forth the Commission's findings and recommenda-
5 tions. The final report of the Commission shall include the
6 comments of the appropriate congressional committees.

7 (c) At least once every year for two years after the sub-
8 mission of the final report, the Comptroller General shall
9 report to the Congress on the status of actions taken on the
10 Commission's final report.

11 SEC. 404. (a) The Commission shall be composed of fif-
12 teen members appointed from among individuals with exten-
13 sive experience in or knowledge of United States Govern-
14 ment as follows:

15 (1) Five members appointed by the President by
16 and with the advice and consent of the Senate.

17 (2) Five members appointed by the President pro
18 tempore of the Senate, three upon recommendation of
19 the majority leader and two upon recommendation of
20 the minority leader of the Senate.

21 (3) Five members appointed by the Speaker of the
22 House of Representatives, three upon recommendation
23 of the majority leader and two upon recommendation of
24 the minority leader of the House.

1 (b) (1) Two members appointed under subsection (a) (1)
2 shall be appointed to serve as Chairman and Vice Chairman
3 (as provided in paragraph (2) of this subsection) and shall not
4 engage in any other business, vocation, or employment. Such
5 two members shall not be of the same political affiliation.

6 (2) The member described in paragraph (1) who is, when
7 appointed, not of the same political affiliation as the Presi-
8 dent shall serve as Chairman of the Commission and the
9 other such member shall serve as Vice Chairman of the Com-
10 mission.

11 (c) Of the members appointed and qualified under sub-
12 section (a)(1) other than the members to whom subsection (b)
13 applies, not more than two shall be of the same political af-
14 filiation.

15 (d) Any vacancy in the Commission shall not affect its
16 powers, but shall be filled in the same manner in which the
17 original appointment was made.

18 (e) Eight members of the Commission shall constitute a
19 quorum, but the Commission may establish a lesser number
20 to constitute a quorum for the purpose of holding hearings.

21 SEC. 405. (a) The Commission or, on the authorization
22 of the Commission, any subcommittee or member thereof,
23 may, for the purpose of carrying out the provisions of this
24 title, hold such hearings and sit and act at such times and

1 otherwise, the attendance and testimony of such witnesses
2 and the production of such books, records, correspondence,
3 memoranda, papers, and documents as the Commission or
4 such subcommittee or member may deem advisable.

5 (b)(1) Subpenas shall be issued under the signature of
6 the Chairman or any member of the Commission designated
7 by him and shall be served by any person designated by the
8 Chairman or such member. Any member of the Commission
9 may administer oaths or affirmation to witnesses appearing
10 before the Commission.

11 (2) The provisions of section 1821 of title 28, United
12 States Code, shall apply to witnesses summoned to appear at
13 any such hearing. The per diem and mileage allowances to
14 witnesses summoned under authority conferred by this sec-
15 tion shall be paid from funds appropriated to the Commission.

16 (3) Any person who willfully neglects or refuses to
17 appear, or refuses to qualify as a witness, or to testify, or to
18 produce any evidence in obedience to any subpoena duly
19 issued under the authority of this section shall be fined not
20 more than \$500, or imprisoned for not more than six months,
21 or both. Upon the certification by the Chairman of the Com-
22 mission of the facts concerning any such willful disobedience
23 by any person to the United States attorney for any judicial
24 district in which such person resides or is found, such attor-

1 ney may proceed by information for the prosecution of such
2 person for such offense.

3 (c) The Commission is authorized to secure directly from
4 the head of any department, agency, independent instrumen-
5 tality, or other authority of the executive branch of the Gov-
6 ernment, available information which the Commission deems
7 useful in the discharge of its duties. All departments, agen-
8 cies, independent instrumentalities, and other authorities of
9 the executive branch of the Government shall cooperate with
10 the Commission and furnish all information requested by the
11 Commission in accordance with existing law.

12 SEC. 406. (a) Subject to such rules and regulations as
13 may be adopted by the Commission, the Commission shall
14 have the power—

15 (1) to appoint and fix the compensation of an Ex-
16 ecutive Director and such additional staff personnel as
17 it deems necessary in accordance with the provisions of
18 title 5, United States Code, governing appointments in
19 the competitive service, and chapter 51 and subchapter
20 III of chapter 53 of such title relating to classification
21 and General Schedule pay rates, and—

22 (A) in the case of the Executive Director, at
23 a rate equal to that of level V of the Executive
24 Schedule under section 5316 of title 5, United

1 (B) in the case of not more than three addi-
2 tional staff members, at rates not in excess of the
3 maximum rate for GS-18 of the General Sched-
4 ule under section 5332 of such title; and

5 (2) to procure temporary and intermittent services
6 to the same extent as is authorized by section 3109 of
7 title 5, United States Code.

8 (b) The Commission is authorized to enter into agree-
9 ments with the General Services Administration for procure-
10 ment of necessary financial and administrative services, for
11 which payment shall be made by reimbursement from funds
12 of the Commission in such amounts as may be agreed upon
13 by the Chairman and the Administrator of the General Serv-
14 ices Administration.

15 SEC. 407. (a) The Chairman of the Commission shall
16 receive compensation at a rate equal to the rate prescribed
17 for level III of the Executive Schedule under section 5314 of
18 title 5, United States Code, and the Vice Chairman shall
19 receive compensation at a rate equal to the rate prescribed
20 for level IV of the Executive Schedule under section 5315 of
21 title 5, United States Code.

22 (b) All other members of the Commission who are not
23 officers or employees of the Federal Government shall re-
24 ceive compensation at the rate of \$200 for each day such

1 member is engaged in the performance of the duties vested in
2 the Commission.

3 (c) Members of the Commission shall be reimbursed for
4 travel, subsistence, and other necessary expenses incurred in
5 connection with their activities as members of the Commis-
6 sion.

7 SEC. 408. The Commission shall cease to exist ninety
8 days after the submission of its final report.

9 SEC. 409. There is authorized to be appropriated until
10 September 30, 1984, without fiscal year limitations, the sum
11 of \$4,000,000 to carry out the provisions of this title.

12 SEC. 410. The Commission shall be subject to the Fed-
13 eral Advisory Committee Act.

14 TITLE V—REGULATORY IMPACT

15 SEC. 501. (a) The Congress finds that the Government
16 regulation can at times be more of a burden than a benefit to
17 American consumers, American businesses, and to the
18 American economy as a whole.

19 (1) Regulatory policies often have contributed to
20 inflation through approval of regulations not commen-
21 surate with the public interest, frequently without due
22 consideration of the relative costs and benefits involved
23 in such decisions, without due consideration of the
24 competitive impact of such decisions, or without ade-

1 quate provision for public participation in such deci-
2 sions.

3 (2) Some regulatory policies harm both industry
4 and consumers by denying businesses the chance to
5 compete and by depriving consumers of the lower
6 prices and diversity of services that greater competition
7 can present.

8 (3) Too often, regulatory agencies have neglected
9 critical economic issues, and fail to set clear priorities,
10 articulate cogent policies, or to integrate planning into
11 operational functions. As a result, certain agencies
12 have fostered a pattern of redtape, stagnation, and
13 waste, which has led to public frustration and confu-
14 sion.

15 (4) Frequent use of inefficient after-the-fact case-
16 by-case adjudication, rather than general rulemaking,
17 by most regulatory agencies has burdened business
18 with excessive paperwork and unreasonable delays, im-
19 paired the ability of many industries to adopt to chang-
20 ing market conditions and beneficial new technology,
21 and contributed to price rises, inefficiencies, and misal-
22 locations of resources.

23 (5) By consistently failing to take consumer and
24 business interests adequately into account and by arbi-
25 trarily limiting the operation of the free enterprise

1 system, regulatory agencies too often have poorly
2 served the public interest in disregard of their congres-
3 sional mandates.

4 (b)(1) It is the purpose of this title to require over a
5 period of ten years the President to submit once in each Con-
6 gress, and to encourage the Congress to act upon, a plan
7 designed to prevent unnecessary or harmful regulation which
8 has led to inflationary consumer prices, a reduction of compe-
9 tition in the providing of important goods and services, and
10 other economic inefficiencies that disrupt the operation of a
11 free enterprise system without correspondingly benefiting the
12 health, safety, or economic welfare of the Nation.

13 (2) It is the further purpose of this title to require that
14 regulation by the Federal Government be systematically and
15 comprehensively reviewed and modified so as to assure that
16 such regulation, where it is necessary, is aimed at and struc-
17 tured to achieve substantial benefits to the Nation exceeding
18 the costs thereof, and toward this end, that each regulatory
19 agency perform its mandated responsibilities in the most ef-
20 fective and least dilatory and costly manner so as to maxi-
21 mize the intended benefits to the Nation.

22 AGENCY REFORM PLANS

23 SEC. 502. (a) Not later than the first day of February in
24 the first session of the Ninety-seventh Congress, the Ninety-

25 eighth Congress, the Ninety-ninth Congress, the One-hun-
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1 dredth Congress, and the One-hundred and first Congress,
2 the President shall submit an analysis containing the infor-
3 mation required to be included under subsection (b) and the
4 President shall submit a legislative plan containing the infor-
5 mation called for in subsection (c) as follows:

6 (1) By April 1, 1981, a plan with respect to regu-
7 lation of securities, trade practices, banking and fi-
8 nance, and communications matters by the following
9 agencies:

10 (A) Securities and Exchange Commission.

11 (B) Federal Trade Commission.

12 (C) Office of Comptroller of the Currency.

13 (D) Federal Deposit Insurance Corporation.

14 (E) Federal Communications Commission.

15 (2) By April 1, 1983, a plan with respect to regu-
16 lation of surface transportation and safety matters by
17 the following agencies:

18 (A) National Highway Traffic Safety Admin-
19 istration.

20 (B) Interstate Commerce Commission.

21 (3) By April 1, 1985, a plan with respect to regu-
22 lation or environmental, occupational, and food and
23 health safety matters by the following agencies:

24 (A) Food and Drug Administration.

25 (B) Consumer Product Safety Commission.

1 (C) Environmental Protection Agency.

2 (D) Occupational Safety and Health Admin-
3 istration.

4 (4) By April 1, 1987, a plan with respect to regu-
5 lation of air transportation matters by the following
6 agencies:

7 (A) Civil Aeronautics Board.

8 (B) Federal Aviation Administration.

9 (5) By April 1, 1989, a plan with respect to regu-
10 lation of energy and maritime transportation by the fol-
11 lowing agencies:

12 (A) Federal Maritime Commission.

13 (B) Federal Energy Regulatory Administra-
14 tion.

15 (C) Nuclear Regulatory Commission.

16 (b) An analysis submitted by the President pursuant to
17 subsection (a) shall contain the following information with re-
18 spect to agencies or designated units thereof which are refer-
19 enced in paragraphs (1) through (5) of subsection (a)—

20 (1) the purposes for which each agency was estab-
21 lished;

22 (2) significant changes which have occurred in the
23 areas regulated by each agency, the impact of such
24 changes on the effectiveness of the agency, and the

1 (3) the net impact of the agency and the degree to
2 which it has accomplished its purposes;

3 (4) the timeliness of agency decisionmaking;

4 (5) the cost-effectiveness and efficiency of the op-
5 erations of each agency;

6 (6) the extent to which agency actions may con-
7 tribute to inflation; and

8 (7) consideration of practical alternative ap-
9 proaches to achieving presently demonstrated regula-
10 tory needs.

11 (c) A legislative plan submitted by the President pursu-
12 ant to subsection (a) shall include specific legislation follow-
13 ing up on the analysis earlier submitted by the President with
14 respect to agencies or designated units thereof which are ref-
15 erenced in paragraphs (1) through (5) of subsection (a), and
16 may include—

17 (1) recommendations for the transfer, consolida-
18 tion, modification, or elimination of agency functions;

19 (2) recommendations for organizational, structural,
20 and procedural reforms;

21 (3) recommendations for the merger, modification,
22 establishment, or abolition of agencies or their enabling
23 legislation;

1 (4) recommendations for eliminating or phasing
2 out outdated, overlapping, or conflicting agency rules
3 and mandates;

4 (5) recommendations for alleviating agency delays;

5 (6) recommendations for increasing public partici-
6 pation in agency proceedings;

7 (7) recommendations for making agency regulation
8 more cost-effective; and

9 (8) recommendations for increasing economic com-
10 petition.

11 (d) The plans submitted by the President pursuant to
12 subsections (a) and (c) shall be referred to the committee(s) of
13 the House of Representatives and the Senate with legislative
14 jurisdiction over the agencies affected by the plan(s).

15 (e) The "Reauthorization Review" required by section
16 102(a) shall include a new paragraph (5) as follows:

17 (5) a comparison between the recommendation of
18 the committee and the regulatory reform plan submit-
19 ted pursuant to Title V, and the basis for the commit-
20 tee recommendation, for the program or agency which
21 would be reauthorized by the legislation which this
22 report accompanies.

23 (f) Along with each plan submitted by the President pur-
24 suant to subsections (a) and (c), the President shall report on

25 the cumulative impact on specific industry groupings of all
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1 Government regulatory activity reviewed to that date. The
2 report shall include recommendations to ensure that the cu-
3 mulative impact of Government regulation is in the Nation's
4 best interests. Wherever practicable, in the formulation of
5 each plan, the President shall give explicit consideration to
6 the particular impact of Government regulatory activity on
7 the following relevant industry groups:

- 8 (1) transportation and agriculture industries;
- 9 (2) mining, heavy manufacturing, and public utili-
10 ties industries;
- 11 (3) construction and light manufacturing indus-
12 tries; and
- 13 (4) communications, finance, insurance, real
14 estate, trade, and service industries.

15 LEGISLATIVE AGENCY REVIEW

16 SEC. 503. (a) The Comptroller General of the United
17 States and the Director of the Congressional Budget Office
18 shall submit, contemporaneously with the submission of the
19 analysis required under subsection 502(b), a report assessing
20 each of the agencies to be included in the plan submitted by
21 the President with respect to the same criteria set forth in
22 that subsection.

23 (b) The Comptroller General of the United States and
24 the Director of the Congressional Budget Office shall submit

25 to the Congress not later than June 1 of each year in which a
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1 plan is submitted by the President as provided in subsections
2 502 (a) and (c) of this title, a complete and thorough analysis
3 of such plan.

4 TITLE VI—GOVERNMENT ACCOUNTABILITY

5 SEC. 601. (a) At the beginning of the Ninety-seventh
6 Congress and every two years thereafter the President shall
7 submit to the Congress a report on the management of the
8 executive branch (hereinafter called the Management
9 Report). The Management Report shall be submitted as part
10 of the budget on the same day as the budget is transmitted to
11 the Congress under section 201 of the Budget and Account-
12 ing Act, 1921.

13 (b) It is the intent of Congress that the President shall
14 be granted full discretion in the design of the Management
15 Report provided that—

16 (1) Programs shall be—

17 (i) designated within each executive depart-
18 ment and within each independent establishment,
19 according to their relative effectiveness, as
20 “excellent”, “adequate”, or “unsatisfactory”, and

21 (ii) ranked as to their effectiveness relative to
22 all other programs within each category in that
23 executive department or within that independent
24 establishment.

1 (2) The designation and ranking of programs as to
2 relative effectiveness shall be determined by the degree
3 to which each program's statutory objective is being
4 met, which shall be based on—

5 (i) the clarity of the statutory design and
6 objective upon which the program is based,

7 (ii) the overall design of the program as
8 effectuated by the responsible executive depart-
9 ment or independent establishment, and

10 (iii) the overall quality of the management of
11 the program by the responsible executive depart-
12 ment or independent establishment.

13 (c) The Management Report shall include the Presi-
14 dent's reasons for the program designations and rankings he
15 has made.

16 (d) The Management Report shall include a list of those
17 programs or areas the President recommends for administra-
18 tive or congressional improvement during that Congress.

19 (e) The Management Report shall include the report of
20 the Director of the Office of Management and Budget
21 required under section 602 of this Act, including the Presi-
22 dent's recommendations and proposed actions pursuant to it.

23 SEC. 602. (a) The Director of the Office of Management
24 and Budget (hereinafter called the Director) shall provide an

25 evaluative report on Federal programs to the President
Approved For Release 2005/07/12 : CIA-RDP85-00988R000200120003-5

1 which shall be forwarded to the Congress by the President
2 with his Management Report.

3 (b) In his report the Director shall identify any pro-
4 grams that are contradictory to other Federal programs and
5 recommend corrective legislation. The Director shall also
6 recommend the termination or modification of any programs
7 whose relative ineffectiveness no longer justifies continued
8 Federal expenditures or only justifies a lower level of Federal
9 expenditures.

10 SEC. 603. The President may from time to time submit
11 to the Congress reports supplementary to the Management
12 Report, each of which shall include such supplementary or
13 revised recommendations as he may deem necessary or desir-
14 able to achieve the purposes of this Act. The Director may,
15 from time to time, submit to the President reports supple-
16 mentary to the report required by section 602.

17 SEC. 604. (a) For the purposes of this title:

18 (1) The term "program" means an organized set
19 of activities carried out pursuant to separate statutory
20 authorization or for which Federal expenditures are
21 specifically allocated by the Federal Government, and
22 which can be evaluated in terms of relative effective-
23 ness in pursuing a governmental goal, but shall not in-
24 clude national foreign intelligence activities.

1 (2) The term "executive department" shall have
2 the meaning given it in section 101 of title 5, United
3 States Code.

4 (3) The term "independent establishment" shall
5 have the meaning given it in section 104 of title 5,
6 United States Code, except that it includes the United
7 States Postal Service and the Postal Rate Commission
8 but does not include the general Accounting Office or
9 the Independent Regulatory Agencies.

10 **TITLE VII—MISCELLANEOUS**

11 **SEC. 701.** Section 206 of the Budget and Accounting
12 Act, 1921 (31 U.S.C. 15), is amended by inserting immedi-
13 ately before the period a comma and "or at the request of a
14 committee of either House of Congress presented after the
15 day on which the President transmits the budget to the Con-
16 gress under section 201 of this Act for the fiscal year".

17 **SEC. 702.** Nothing in this Act shall require the public
18 disclosure of matters that are specifically authorized under
19 criteria established by an Executive order to be kept secret in
20 the interest of national defense or foreign policy and are in
21 fact properly classified pursuant to such Executive order, or
22 which are otherwise specifically protected by law. In addition
23 nothing in this Act shall require any committee of the Senate
24 to disclose publicly information the disclosure of which is

1 governed by Senate Resolution 400, Ninety-fourth Congress,
2 or any other rule of the Senate.

3 SEC. 703. (a) The provisions of this section and sections
4 101(a), 101(b), 101(c)(1), 101(c)(2), 101(c)(5), 102, 103(b),
5 104(a), 104(c), 104(d), 104(e), 104(f), 104(g), title III (except
6 section 303) section 705, and section 706 of this Act are
7 enacted by the Congress—

8 (1) as an exercise of the rulemaking power of the
9 Senate and the House of Representatives, respectively,
10 and as such they shall be considered as part of the
11 rules of each House, respectively, or of that House to
12 which they specifically apply, and such rules shall su-
13 persede other rules only to the extent that they are in-
14 consistent therewith; and

15 (2) with full recognition of the constitutional right
16 of either House to change such rules (so far as relating
17 to such House) at any time, in the same manner, and
18 to the same extent as in the case of any other rule of
19 such House.

20 (b) In the Senate, paragraphs (2) and (5) of section
21 101(c) shall also be treated as amendments to rule XVI of
22 the Standing Rules of the Senate.

23 (c) Any provision of this Act which is enacted as an
24 exercise of the rulemaking power of the Senate may be

1 waived or suspended in the Senate by a majority vote of the
2 Members voting.

3 SEC. 704. (a)(1) To assist in the review or reexamina-
4 tion of a program, the head of an agency which administers
5 such program and the head of any other agency, when re-
6 quested, shall provide to each committee of the Senate and
7 the House of Representatives which has legislative jurisdic-
8 tion over such program such studies, information, analyses,
9 reports, and assistance as the committee may request.

10 (2) Not later than six months prior to the first reauthori-
11 zation date specified for a program in section 101(b) the head
12 of the agency which administers such program or the head of
13 any other agency, when requested by a committee of the
14 Senate or House of Representatives, shall conduct a review
15 of those regulations currently promulgated and in use by that
16 agency which the committee specifically has requested be re-
17 viewed and submit a report to the Senate or the House of
18 Representatives as the case may be, setting forth the regula-
19 tions that agency intends to retain, eliminate, or modify if the
20 program is reauthorized and stating the basis for its decision.

21 (3) On or before October 1 of the year preceding the
22 Congress in which occurs the reauthorization date for a pro-
23 gram, the Comptroller General shall furnish to each commit-
24 tee of the Senate and the House of Representatives which

1 prior audits and reviews of such program completed during
2 the preceding six years.

3 (4) Consistent with the discharge of the duties and func-
4 tions imposed by law on them or their respective Offices or
5 Service, the Comptroller General, the Director of the Con-
6 gressional Budget Office, the Director of the Office of Tech-
7 nology Assessment, and the Director of the Congressional
8 Research Service shall furnish to each committee of the
9 Senate and the House of Representatives such information,
10 analyses, and reports as the committee may request to assist
11 it in conducting reviews or evaluations of programs.

12 (b)(1) On or before October 1 of the year preceding the
13 Congress in which occurs the reauthorization date for a pro-
14 gram, the President, with the cooperation of the head of each
15 appropriate agency, shall submit to the Congress a "Regula-
16 tory Duplication and Conflicts Report" for all such programs
17 scheduled for reauthorization in the next Congress.

18 (2) Each such regulatory duplication and conflicts report
19 shall—

20 (A) identify regulatory policies, including data col-
21 lection requirements, of such programs or the agencies
22 which administer them, which duplicate or conflict with
23 each other or with rules or regulations or regulatory
24 policies of other programs or agencies, and identify the
25 provisions of law which authorize or require such du-

1 plicative or conflicting regulatory policies or the pro-
2 mulgation of such duplicative or conflicting rules or
3 regulations;

4 (B) identify the regulatory policies, including data
5 collection requirements, of such programs which are, or
6 which tend to be, duplicative of or in conflict with
7 rules or regulations or regulatory policies of State or
8 local governments;

9 (C) contain recommendations which address the
10 conflicts or duplications identified in subsections (A)
11 and (B).

12 (3) The regulatory duplication and conflicts report sub-
13 mitted by the President pursuant to this subsection shall be
14 referred to the committee(s) of the House of Representatives
15 and the Senate with legislative jurisdiction over the programs
16 affected by the reports.

17 SEC. 705. (a) For purposes of this section and title I,
18 the term "required authorization waiver resolution" means
19 only a resolution of the Senate or the House of Representa-
20 tives—

21 (1) which is introduced by the chairman of a com-
22 mittee pursuant to subsection (b);

23 (2) which waives the provisions of subsection
24 101(c)(2) of this Act for the purpose of allowing consid-

25 eration of a bill or resolution providing new budget au-
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1 thority for a program for not more than one fiscal year
 2 in an amount which does not exceed the amount of
 3 new budget authority required to maintain the current
 4 level of services being provided during the fiscal year
 5 preceding the fiscal year for which new budget authori-
 6 ty would be provided; and for purposes of this section,
 7 such current level of services shall be determined ini-
 8 tially from the report submitted to the Congress pursu-
 9 ant to section 605 of the Congressional Budget Act of
 10 1974 and shall be certified by the Director of the Con-
 11 gressional Budget Office; and

12 (3) the matter after the resolving clause of which
 13 is as follows: "That it is in order in the Senate (House
 14 of Representatives) to consider a bill (resolution) pro-
 15 viding new budget authority for the fiscal
 16 year in an amount not to exceed \$."

17 (with the first blank space being filled with identifica-
 18 tion of the program; the second blank space being filled
 19 with the fiscal year for which the new budget authority
 20 would be provided; and the third blank space being
 21 filled with the amount of new budget authority neces-
 22 sary to maintain the current level of services for such
 23 program for the fiscal year preceding the fiscal year for
 24 which such new budget authority would be provided).

1 (b) The chairman of the committee of the Senate or the
2 House of Representatives having legislative jurisdiction over
3 a program or programs shall introduce a required authoriza-
4 tion waiver resolution for such program or programs not later
5 than the fifth day (not counting any day on which the Senate
6 or the House, as the case may be, is not in session) following
7 the occurrence of either of the following:

8 (1) A bill authorizing the enactment of new
9 budget authority for the same program or programs
10 has been under consideration for not less than fifteen
11 hours, including debate on the motion to consider the
12 authorization bill, and no limitation of debate has been
13 agreed to; or

14 (2) A bill authorizing the enactment of new
15 budget authority for the same program or programs
16 has been vetoed by the President and such veto has
17 been sustained by either the Senate or the House of
18 Representatives.

19 (c) A required authorization waiver resolution relating
20 to a program introduced in, or received by, the Senate or the
21 House of Representatives shall be referred to the appropriate
22 committee of the Senate or the House of Representatives, as
23 the case may be; except that any resolution introduced, re-
24 ceived after September 1 of the second session of a Congress

25 shall immediately be placed on the appropriate calendar.
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1 With respect to any resolution still pending before a commit-
2 tee on September 1, of the second session of a Congress, the
3 committee shall be automatically discharged and the resolu-
4 tion placed on the appropriate calendar.

5 (d) The provisions of section 912 of title 5, United
6 States Code, relating to the consideration of resolutions of
7 disapproval of reorganization plans shall apply in the House
8 of Representatives and the Senate to the consideration of
9 required authorization waiver resolutions.

10 SEC. 706. The Committees on Governmental Affairs
11 and on Rules and Administration of the Senate and the Com-
12 mittees on Government Operations and on Rules of the
13 House of Representatives shall review the operation of the
14 procedures established by this Act, and shall submit a report
15 not later than December 31, 1986, and each five years there-
16 after, setting forth their findings and recommendations. Such
17 reviews and reports may be conducted jointly.

18 SEC. 707. There are hereby authorized to be appropri-
19 ated through fiscal year 1990 such sums as may be necessary
20 to carry out the review requirement of titles I and III and
21 the requirements for the compilation of the inventory of Fed-
22 eral programs as set forth in title II.

